IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No.488/2005

Shri Hemant Vassudev Shirsat. ..... Petitioner

V/s.

The State of Goa through
its Chief Secretary and others. ..... Respondents.

Mr. V. A. Lawande, Advocate for the petitioner.

Mr. S. S. Kantak, Advocate General for respondents No.1 to 3.

Mr. S. D. Lotlikar, Senior Advocate with Mr. V. Menezes, Advocate for respondent No.4.

Mr. S. G. Bhobe, Advocate for respondent No.5.

CORAM : SMT. RANJANA P. DESSAI &
N.A. BRITTO, JJ.

DATE : 12TH JUNE, 2006.

P.C.

In this petition, filed in public interest, serious allegations are made against respondent No.4, the owner of the club “Club Cubana” situated in Survey No.44/0 of Village Arpora. It is prayed, inter alia, that a direction be issued to respondents No.1 to 3 to initiate appropriate action against respondent No.4 and to ensure that activities relating to only farm house are permitted in the said club.

Affidavits-in-reply have been filed by respondents No.1, 2, 3 and 4. Pursuant to the order passed by this Court on 15.2.2006, the Collector of North Goa has inspected the said club and submitted his report dated 21.2.06. We have perused the said report. The report indicates that, according to the Collector, there were some illegalities in the said club. Mr. Lotlikar, learned Senior Counsel for respondent No.4 states that from the time of the said report all activities have stopped. The club is closed.

2. It is the petitioner's case that permission was given to respondent No.4 to use the said place as a farm house and the same has been illegally converted into a bar & restaurant and club. We are informed that in respect of the same, an appeal filed by respondent No.4 is pending before the Administrative Tribunal at Panaji. Since an appeal is pending, we deem it fit not to touch this aspect of the matter. We are sure that the Tribunal will dispose of the said appeal in accordance with law, as expeditiously as possible.

3. Mr. Kantak, learned Advocate General states that the Commissioner of Excise shall monitor the activities of the club in the matter of serving liquour in case it is started again. In view of this, no further orders are necessary. The petition stands disposed of in the aforesaid terms.

In view of the disposal of the petition, Office is directed to refund the amount of Rs.10,000/- deposited by the petitioner in this Court to the petitioner.

SMT. RANJANA P. DESAI, J.

N.A. BRITTO, J.

ssm.